(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 203 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar, Advocate for the Petitioner.

Mr. S.R. Rivonkar, Govt. Advocate for the State/Respondent.

CORAM : S.A. BOBDE &
N.A. BRITTO, JJ.

DATE : 21ST JUNE, 2004.

P.C.:

The petitioner challenges the acquisition of the land in question on two grounds.

Firstly, according to the petitioner the notification under section 4 states that the land is being acquired for public purpose of a school building, whereas according to the petitioner, the land is being acquired for an integral complex of eight schools at Panaji which according to the petitioner is contrary to the public purpose

stated in the notification. We find no merit in the contention.

The next contention on behalf of the petitioner is that the hearing under Section 5(a) has not been accorded to the petitioner. Apparently the petitioner resides at Nairobi. She had given the address of her constituted attorney. Learned counsel for the respondents stated that an attempt was made to serve the petitioner on that address, but the constituted attorney refused to take the notice on behalf of the petitioner.

Having regard to the importance of the right of being heard, we are of view that in the interest of justice the petitioner should be afforded an opportunity of being heard.

Hence we direct the respondents to hear the petitioner on 6th July, 2004. The petitioner

shall appear before the respondent No.3 on that day. In view of the fact that we consider the procedure vitiated because the petitioner was not heard, we set aside the notifications issued under sections 6 and 9 of the Land Acquisition Act, 1894.

We make it clear that the petitioner may file such documents or representation well in advance of the hearing on 6th July, 2004.

S.A. BOBDE, J.

N.A. BRITTO, J.

sl.